

BOIES, SCHILLER & FLEXNER LLP  
 RICHARD J. POCKER (NV Bar No. 3568)  
 300 South Fourth Street, Suite 800  
 Las Vegas, NV 89101  
 Telephone: (702) 382-7300  
 Facsimile: (702) 382-2755  
 rpocker@bsfllp.com

BOIES, SCHILLER & FLEXNER LLP  
 WILLIAM ISAACSON (*pro hac vice*)  
 KAREN DUNN (*pro hac vice*)  
 5301 Wisconsin Ave, NW  
 Washington, DC 20015  
 Telephone: (202) 237-2727  
 Facsimile: (202) 237-6131  
 wisaacson@bsfllp.com  
 kdunn@bsfllp.com

BOIES, SCHILLER & FLEXNER LLP  
 STEVEN C. HOLTZMAN (*pro hac vice*)  
 KIERAN P. RINGGENBERG (*pro hac vice*)  
 1999 Harrison Street, Suite 900  
 Oakland, CA 94612  
 Telephone: (510) 874-1000  
 Facsimile: (510) 874-1460  
 sholtzman@bsfllp.com  
 kringgenberg@bsfllp.com

Attorneys for Plaintiffs Oracle USA, Inc.,  
 Oracle America, Inc. and Oracle International  
 Corp.

MORGAN, LEWIS & BOCKIUS LLP  
 THOMAS S. HIXSON (*pro hac vice*)  
 KRISTEN A. PALUMBO (*pro hac vice*)  
 One Market, Spear Street Tower  
 San Francisco, CA 94105-1596  
 Telephone: 415.442.1000  
 Facsimile: 415.442.1001  
 thomas.hixson@bingham.com  
 kristen.palumbo@bingham.com

DORIAN DALEY (*pro hac vice*)  
 DEBORAH K. MILLER (*pro hac vice*)  
 JAMES C. MAROULIS (*pro hac vice*)  
 ORACLE CORPORATION  
 500 Oracle Parkway, M/S 5op7  
 Redwood City, CA 94070  
 Telephone: 650.506.4846  
 Facsimile: 650.506.7114  
 dorian.daley@oracle.com  
 deborah.miller@oracle.com  
 jim.maroulis@oracle.com

UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;  
 ORACLE AMERICA, INC., a Delaware  
 corporation; and ORACLE INTERNATIONAL  
 CORPORATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;  
 SETH RAVIN, an individual,

Defendants.

Case No 2:10-cv-0106-LRH-PAL

**ORACLE'S MOTION TO SEAL  
 PORTIONS OF ORACLE'S MOTION  
 FOR COSTS AND ATTORNEYS'  
 FEES, DECLARATIONS OF THOMAS  
 S. HIXSON AND KIERAN O.  
 RINGGENBERG AND  
 ACCOMPANYING EXHIBITS, AND  
 EXHIBITS ACCOMPANYING THE  
 DECLARATION OF JAMES C.  
 MAROULIS**

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, Dkt. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation (collectively “Oracle”) respectfully request that the Court order the Clerk of the Court to file under seal certain portions of (1) Oracle’s Motion For Costs And Attorneys’ Fees, (2) Declarations of Thomas S. Hixson (“Hixson Declaration”) and Kieran O. Ringgenberg (“Ringgenberg Declaration”) and accompanying exhibits , and (3) exhibits accompanying the Declaration of James C. Maroulis (“Maroulis Declaration”). These portions of Oracle’s motion and supporting documents reflect information that Oracle, Rimini Street, Inc. (“Rimini”) or a third party has designated “Confidential” or designated “Highly Confidential - Attorneys’ Eyes Only” under the Protective Order. Public, redacted versions of Oracle’s Motion, the Hixson Declaration and Exhibits 3-9 and 13-21 attached thereto, Ringgenberg Declaration and Exhibits 3-14 attached thereto, and Exhibits A-C to the Maroulis Declaration were filed on November 13, 2015, *see* Dkts. 917-920, and an unredacted version of each was subsequently filed under seal with the Court, *see* Dkts. 922-925.

The Protective Order states, “Counsel for any Designating Party may designate any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ under the terms of this Protective Order *only if such counsel in good faith believes that such Discovery Material contains such information and is subject to protection under Federal Rule of Civil Procedure 26(c)*. The designation by any Designating Party of any Discovery Material as ‘Confidential Information’ or ‘Highly Confidential Information – Attorneys’ Eyes Only’ shall constitute a representation that an attorney for the Designating Party reasonably believes there is a valid basis for such designation.” Protective Order ¶ 2 (emphasis supplied).

#### **DOCUMENTS DESIGNATED BY ORACLE AS CONFIDENTIAL**

Oracle has designated Exhibits 3-9 and 13-21 to the Hixson Declaration, Exhibits 3-14 to the Ringgenberg Declaration, portions of those declarations, and Exhibits A, B and C to the Maroulis Declaration as Confidential. Oracle requests that the Court order the Clerk of the Court

to file those exhibits and portions under seal, as well as certain portions of Oracle's Motion For Costs And Attorneys' Fees and the Hixson and Ringgenberg Declarations that reflect the information contained in the aforementioned exhibits.

The "Confidential" designation indicates that, in Oracle's best judgment, the documents contains "non-public information or matter related to: financial or business plans or projections; . . . current or future business and marketing information, plans, and strategies; studies or analyses by internal or outside experts; customer information, data or lists; . . . competitive analyses; . . . or other commercially or personally sensitive or proprietary information."

Protective Order ¶ 3. In particular, portions of Oracle's Motion For Costs And Attorneys' Fees; the Hixson and Ringgenberg Declarations; the accompanying Exhibits; and the Exhibits accompanying the Maroulis declaration, contain confidential competitive information of negotiated billing rates between Oracle and its attorneys, experts and other vendors, and sensitive, case-specific pricing information. Further, the documents reveal the details of Oracle's relationships with these companies, and the terms of their agreements, which are also negotiated. These negotiated billing rates and agreement terms are commercially sensitive and should not be publically disclosed insofar as any such disclosure would create a competitive disadvantage. *Apple Inc. v. Samsung Electronics Co., Ltd.*, 727 F.3d 1214, 1221 (Fed. Cir. 2013) ("One factor that weighs in favor of sealing documents is when the release of the documents will cause competitive harm to a business.")

Disclosure of this confidential information could interfere with Oracle's current or future business relationships or plans. Thus, there is a compelling interest for this information to be sealed.

**DOCUMENTS DESIGNATED BY RIMINI OR A THIRD PARTY AS  
CONFIDENTIAL OR HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY**

Rimini or a third party have designated the following documents cited or referred to in Oracle's Motion for Costs and Attorneys' Fees as Confidential ("C") or Highly Confidential - Attorneys' Eyes Only ("HC"):

Ex.	Description	Designation
21	(Ravin 7/21/2010 Dep.) 303:9-23, 306:3-13, 307:4-12, 307:13-308:13, 321:17-23, 325:20-326:9	HC by Rimini
20	(Ravin 5/21/2009 Dep.) at 35:17-37:12; 41:13-18, 110:2-111:15	C by SAP

Oracle submits these documents under seal pursuant to the Protective Order based on Rimini's or the third party's representation that it reasonably believes there is a valid basis under the Protective Order for its confidentiality designations. Because the documents were designated by Rimini or a third party, Oracle is not in a position to provide further justification for why filing them publicly would cause Rimini or the third party harm sufficient to show good cause.

Oracle has submitted all other portions of Oracle's Motion For Costs And Attorneys' Fees; Declarations of Thomas S. Hixson and Kieran O. Ringgenberg and Accompanying Exhibits; and Exhibits Accompanying The Declaration Of James C. Maroulis to the Court's public files, which allow public access to all materials except for the items discussed above. Accordingly, the request to seal is narrowly tailored. For the foregoing reasons, Oracle respectfully requests that the Court grant leave to file under seal the documents discussed above.

DATED: November 13, 2015

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Thomas S. Hixson  
 Thomas S. Hixson  
 Attorneys for Plaintiffs  
 Oracle USA, Inc.,  
 Oracle America, Inc.,  
 and Oracle International Corp.